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Preempting the County Seat

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Preëmpting the County Seat

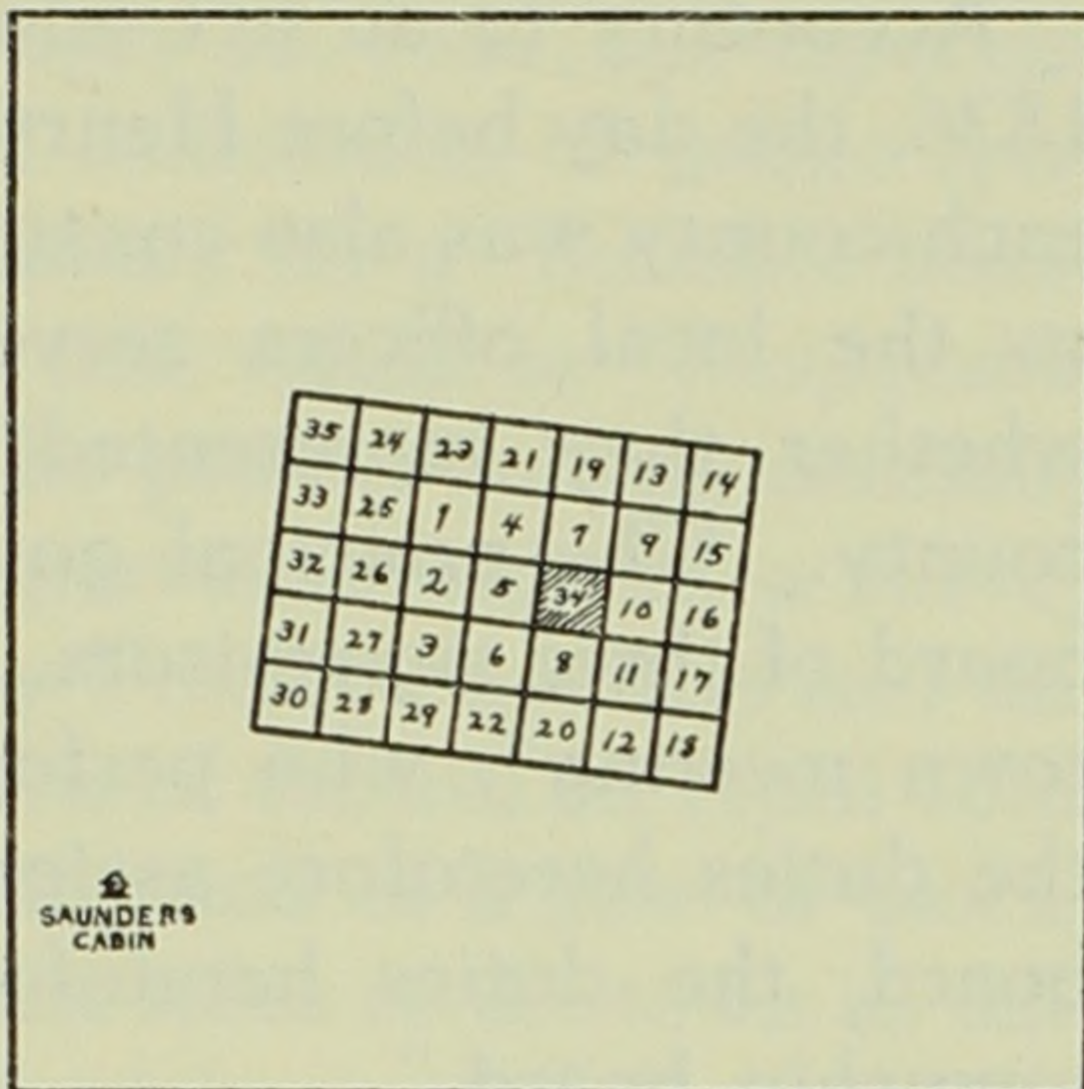
The advantages accruing to a community so fortunate as to be the county seat have long been recognized, and for this reason intense rivalry has often been displayed by eligible towns in their efforts to become the political capital of the county. Many bitter contests arose during the settlement of Iowa, the echoes of some of which continue to reverberate. Indeed, the prize was usually worth the cost in effort, money, and political intrigue, for defeat might lead to decadence, and eventually, perhaps, to deserted villages. Some towns that once aspired to be county seats have disappeared utterly, leaving scarcely a trace of their former existence, even in the memory of the old settlers.

The location of the county seat of Henry County was typical. While the town of Mount Pleasant, favored for its size and central location, was early considered the most acceptable place for the county government, it was not finally selected without opposition by rival communities.

Early in the autumn of 1834, Presley Saunders selected a building site near a spring on wooded land now comprising a part of beautiful Saunders Park at the southwest corner of the present city of Mount Pleasant. His claim was on the fringe of settlement thirty miles northwest of Burlington. In anticipation of rapid immigration he staked out temporarily a number of lots, which were offered for sale. The town was surveyed in the summer of 1836 on the high open prairie, without regard for the official government survey which was not made until April, 1837. No correction was made for the variation of the magnetic needle from the true north. This accounts for the fact that all streets, alleys, and lot lines of the "Original Town Plat" deviate from their true direction by approximately seven degrees.

As soon as John H. Randolph, the county recorder, got a book in which to preserve legal documents, Presley Saunders filed a description of his town. It was the first entry in the book. "The Town of Mount Pleasant in the County of Henry", he declared on February 3, 1837, "Contains Therty Five Blocks and each Block Eight Lotts and the sise of each Lot is One Hundred and Fifty Feete East & West and Eighty Feet North & South the Street passing the Block No. 34 which is the Publick Square ar each Seventy eight Feet

wide and all the rest Sixty feet wide the Alleys running North & South through the center of each Block is each Sixteen Feet Wide all the above naim Streets and Alleys with the Square Block No. 34 are intended for Public uses the above naim Town is laid out by the point of the Cumpass and on the Claim of the Proprietor."



FIRST PLAT OF MOUNT PLEASANT
IN SECTION NINE

Meanwhile, settlers had been pushing up the Skunk Valley in constantly increasing numbers. The need of more convenient areas of local government was obvious, and so, without much ado, on December 7, 1836, the First Legislative Assembly of Wisconsin Territory divided Demoine County into seven, one of which was named Henry County, occupying the Skunk River Valley, west of the new Des Moines County to the Indian boundary. Mount Pleasant, a town of over 100 inhabitants, was near the geographical center of the county. Toward the eastern border, the neighborhood of Dover, later named New London, was becoming community conscious.

Settlements were forming around Oakland Mills on the Skunk River and at Trenton up the valley toward the Indian country.

According to an act adopted on December 6, 1836, the day before Henry County was created, each county was also constituted a township, and so the local officers served the whole county whether they represented the township or the county. The principal governing body was the board of three supervisors, elected at the "annual town meeting", who performed, "in addition to the duties heretofore assigned them as a county board, the duties heretofore performed by the township board."

The citizens of Henry County lost no time in organizing their local government. An election was held on January 13, 1837, at which Robert Caulk, Samuel Brazelton, and George J. Sharp were elected supervisors. Claborn Jones replaced Sharp in March. On January 16th the newly elected officers met in Mount Pleasant, canvassed the election returns, were inducted into office, and began the discharge of their duties. Though no place was designated as the county seat in the act creating Henry County, the semiannual terms of the district court were fixed at Mount Pleasant.

Fully aware of the advantages of maintaining the seat of justice at their town, the citizens of

Mount Pleasant immediately proposed that a courthouse be erected in the center of the public square. At the first scheduled meeting of the county board on February 13, 1837, the supervisors ordered an official solicitation of public spirited citizens to raise money for a "Suitable house for County purposes" that would be "Respectable in size & quality". The project was so cordially supported that the supervisors ordered a survey of the land donated by Presley Saunders and announced a public auction of the lots on April 10th. This land probably consisted of a row of blocks along the north and east sides of the town as officially described by Saunders on February 3rd. Plats of the "original town" show forty-seven blocks instead of thirty-five, numbered as if the north and east rows of blocks were added soon after the first survey.

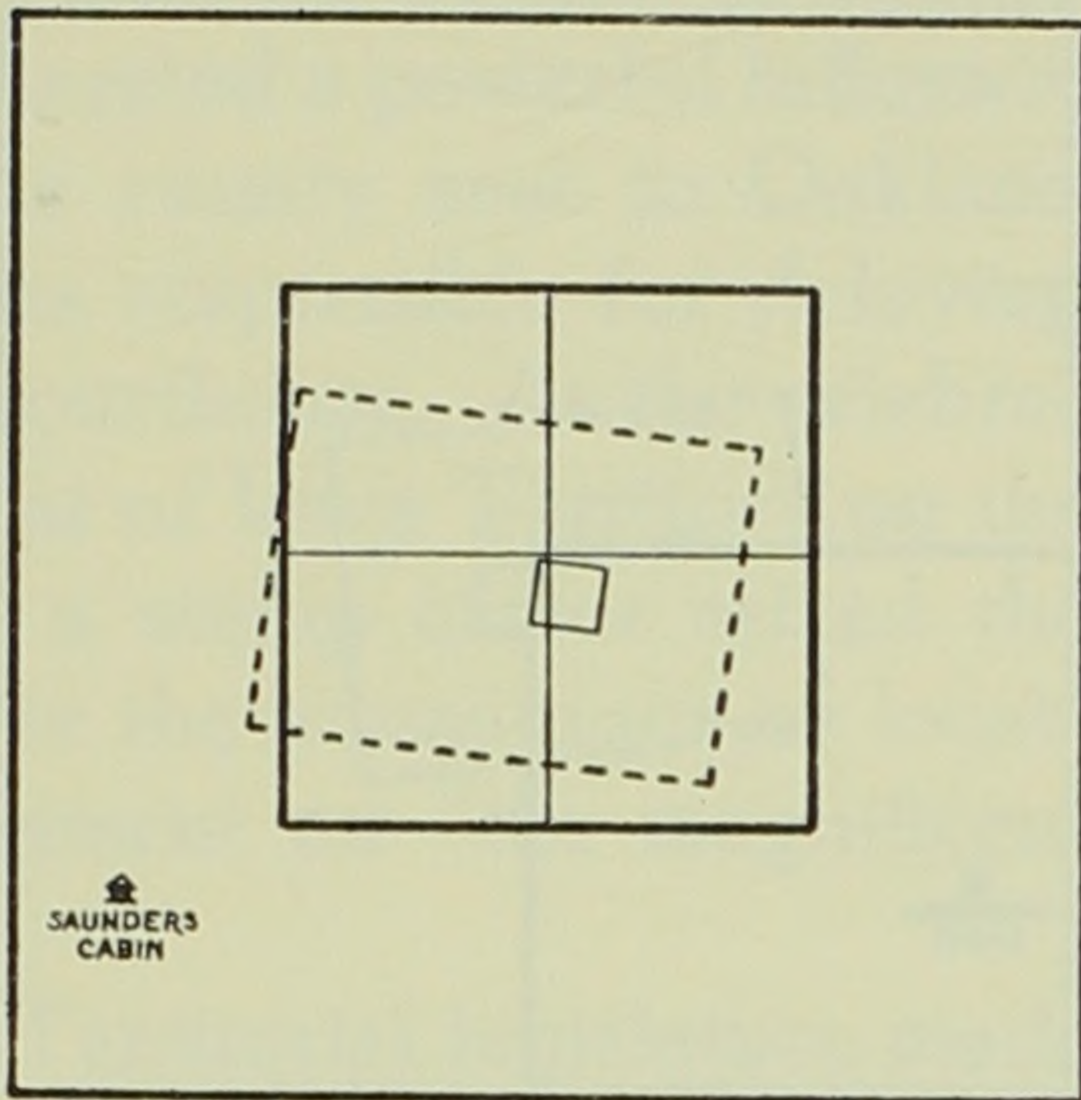
As yet the county seat in Henry County had not been officially located, and the act of 1836 describing the boundaries was destined by law to be changed before the end of the next session of the Territorial legislature. When the Legislative Assembly met at Burlington in November, 1837, the imperative problem of reorganizing the counties in the Iowa District confronted the Territorial law makers. Dubuque County was carved into fourteen new counties without much trouble. Most of

them were rectangular in shape and the boundaries followed the township lines of the government land survey. The same method was followed without controversy in redefining the counties of southern Iowa. Several disputes arose over the designation of county seats, however, and Governor Henry Dodge vetoed the first bill because the legislature allowed political influence to interfere with the public welfare in two instances. Thereupon the measure was revised and on January 18, 1838, it became a law.

The shape of Henry County was considerably changed. Instead of extending diagonally northwest from Des Moines County to the Indian boundary, it was transformed into a twenty-four mile square lacking one township in the southwest corner. The Skunk River flowed from the northwest corner to the southeast corner. Mount Pleasant, nearer the geographical center than formerly, was designated by law as the county seat.

Meanwhile, the supervisors, in anticipation of the action of the legislature, claimed preëmption rights to a quarter section of land at the county seat. According to an act of Congress each county was authorized to obtain 160 acres from the government and sell the land for the purpose of raising funds for county buildings. Since the town of Mount Pleasant had already been laid

out in the center of section 9, township 71 north, range 6 west, the supervisors preëmpted the northwest quarter of the southeast quarter, the southeast quarter of the northwest quarter, the southwest quarter of the northeast quarter, and the northeast quarter of the southwest quarter. Thus, four adjoining "forties" were selected in the center of section nine. This tract included most of the original town site.

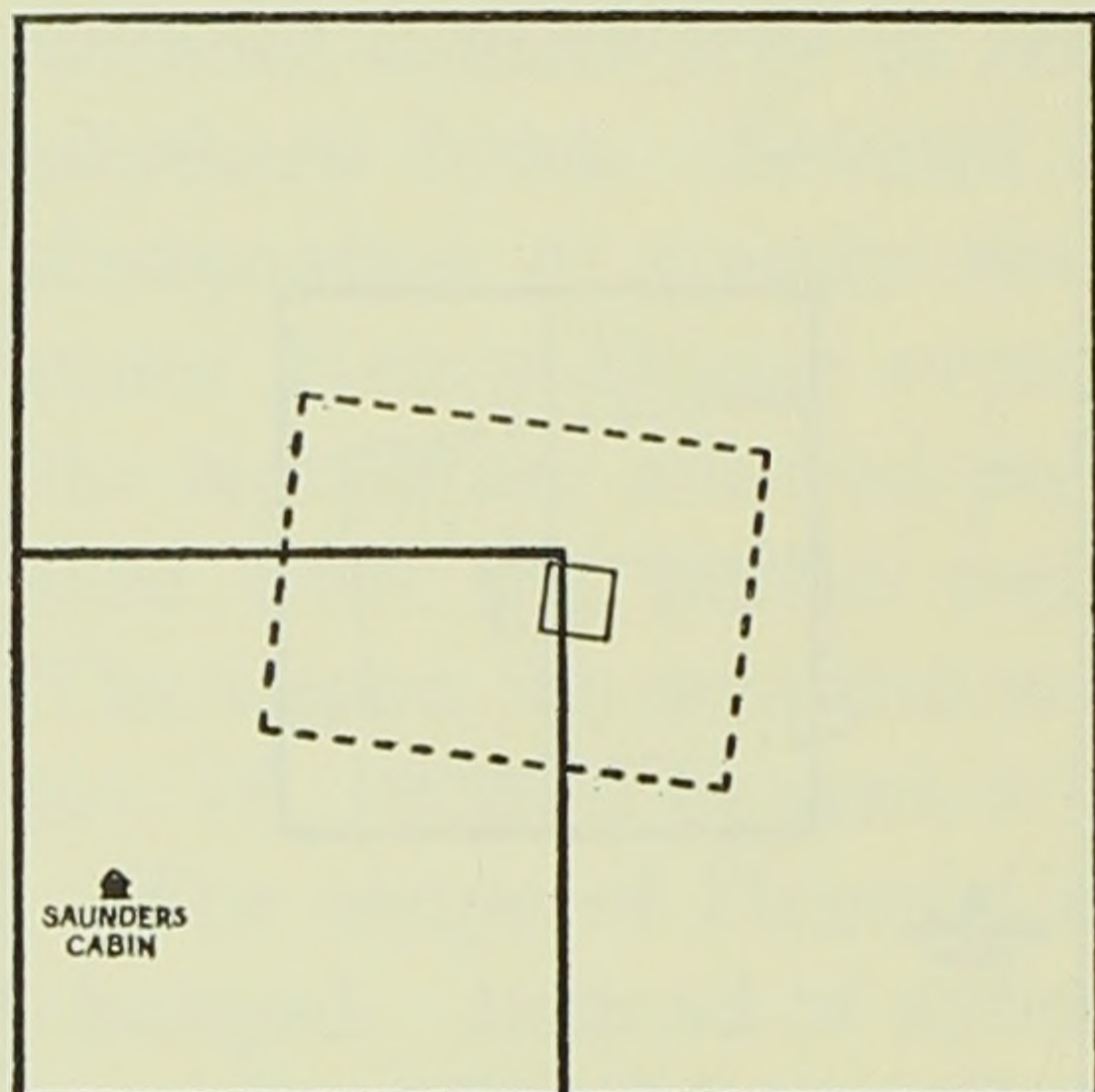


SUPERVISORS' FIRST SELECTION
OF COUNTY QUARTER SECTION

Due to the fact that many lots in this locality had already been sold, the revenue from the land would be seriously reduced. If a quarter section adjacent to the center of population were chosen, the financial advantage might be increased and legal complications avoided. Moreover, Presley Saunders would lose most of the profit he had anticipated in founding the town. On February 5, 1838, the county supervisors rescinded their former action and the next day chose the southwest quarter of section 9 for county seat purposes.

This included only the southwest quarter of the

original town. While many lots already occupied must have been claimed by the county, there was no intention to require repurchase or to withhold



SUPERVISORS' SECOND SELECTION
OF COUNTY QUARTER SECTION

title from the citizens who had bought squatter's rights. But again serious difficulties were encountered, owing to the fact that this quarter section included almost the entire farm of Presley Saunders, the

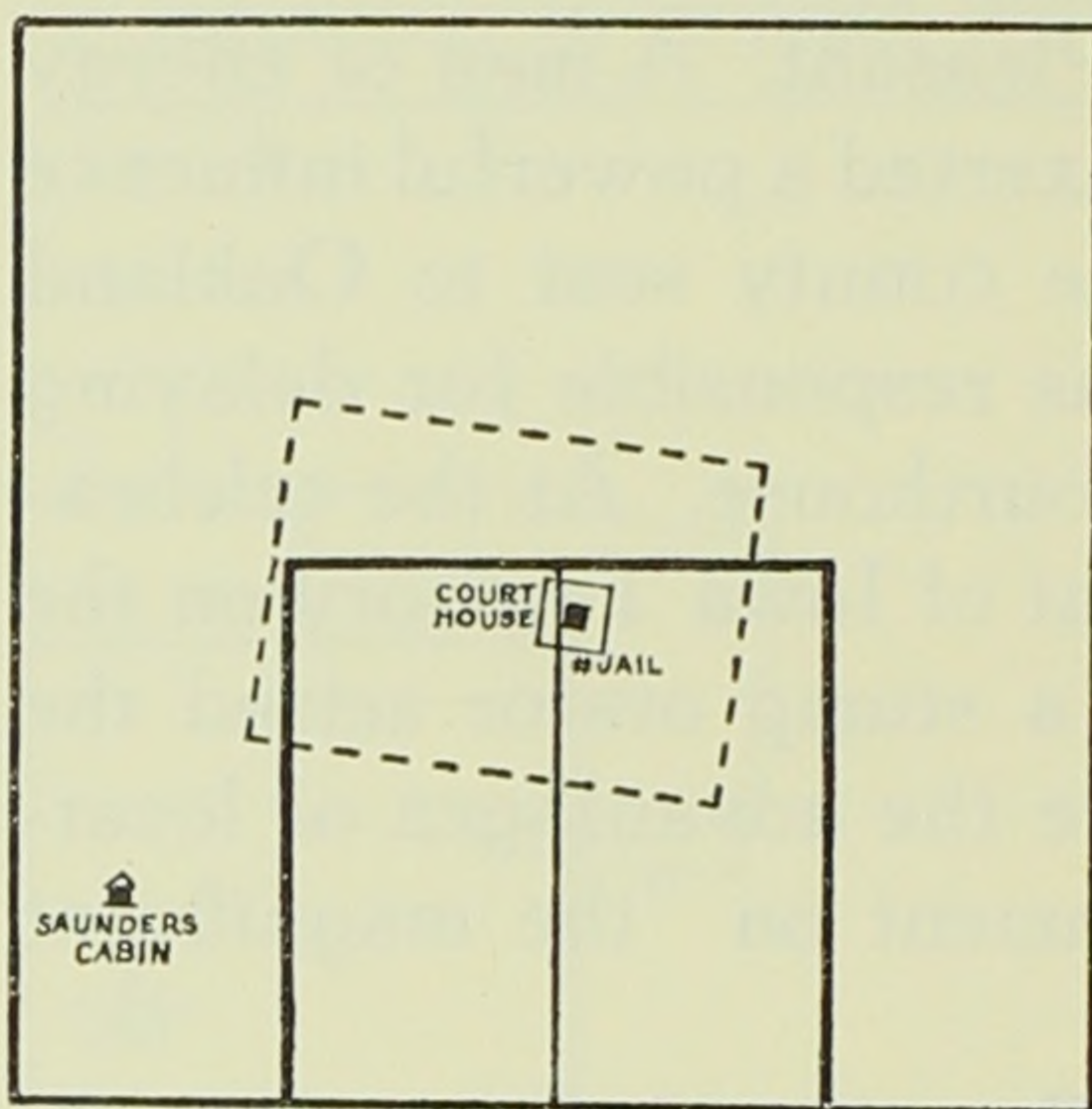
founder of the town. This was a grave injustice.

Although Mount Pleasant was the county seat by virtue of the legislative authority of the Territory of Wisconsin, some factions in Henry County were not satisfied with the location. Samuel Brazelton had contended for Trenton as long as there seemed to be any hope, but when the boundaries of the county were readjusted his town was too far from the geographical center to command much support. When the three western townships were transferred to Jefferson County in January, 1839, Trenton was eliminated entirely. Moreover, Brazelton moved to Mount Pleasant.

The advocates of locating the county seat on the Skunk River were more persistent. Paton Wilson, one of the county commissioners in 1838, was hostile to Mount Pleasant. A man of energy and determination, he exerted a powerful influence in favor of moving the county seat to Oakland Mills. Perhaps he was responsible for delaying the construction of a courthouse. At the celebration of the establishment of Iowa Territory on the Fourth of July, 1838, a stump orator seized the opportunity to advocate the advantages of locating the seat of government on "the magnificent Skunk".

Candidates for the Territorial legislature made an issue of the controversy. James Richey promised that if he were elected to the House of Representatives he would try to repeal the act designating Mount Pleasant as the county seat and name a place on the "navigable" Skunk River near the center of the county. He proposed to have the county become the proprietor of a new town to be located on a quarter section of land to be selected for preëmption. The county could then sell all the lots and obtain sufficient funds to build a courthouse and jail without taxes or private contributions. But these inducements were unavailing. Richey was not elected. William H. Wallace of Mount Pleasant became Speaker of

the House of Representatives. Both members of the Council, Lawson B. Hughes and Jesse D. Payne, were staunch supporters of Mount Pleasant, and so the county seat was not relocated by the legislators.



COMMISSIONERS' THIRD SELECTION
OF COUNTY QUARTER SECTION

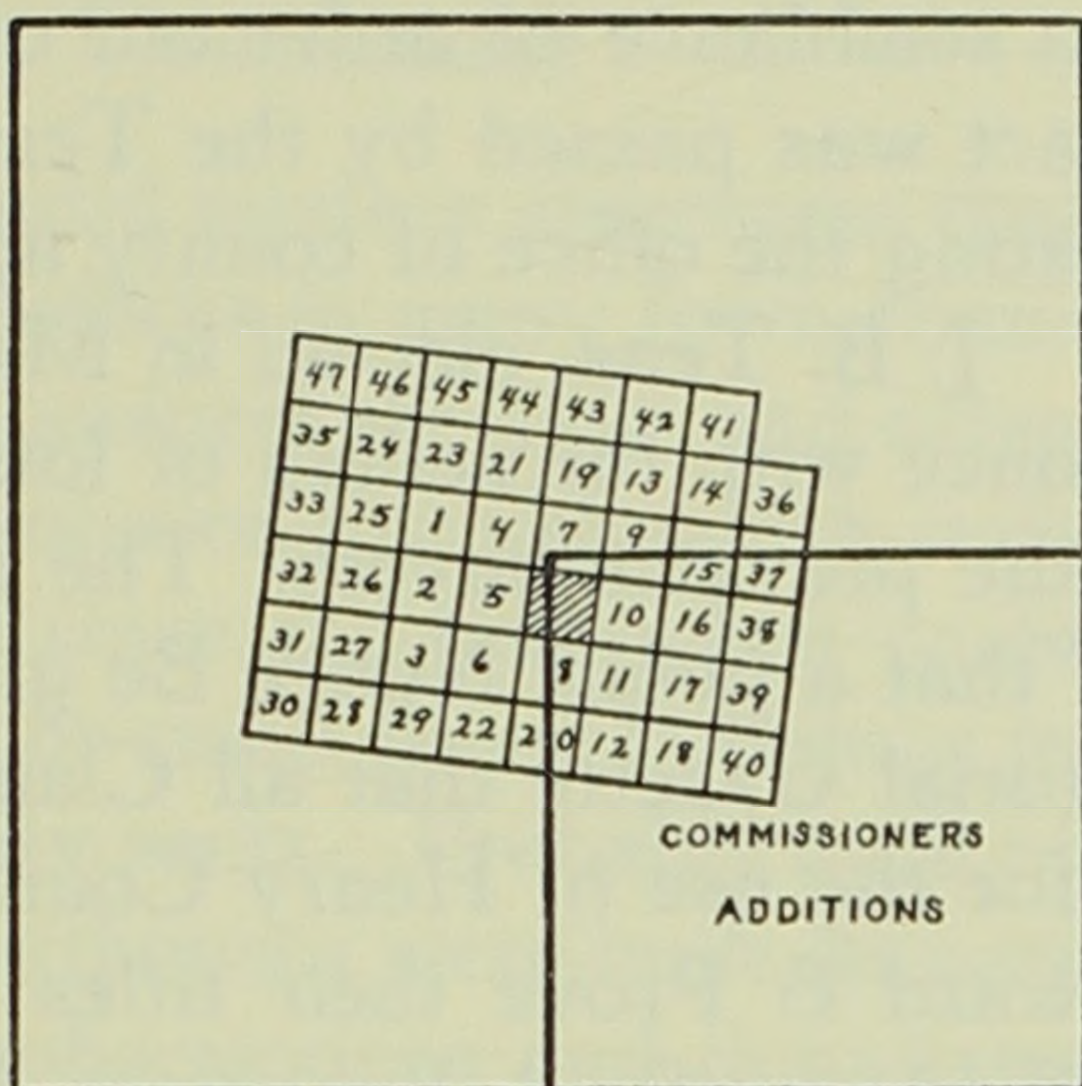
Thus matters stood until April 21, 1839, when the preemption order was again rescinded by the county commissioners and the west half of the southeast

quarter and the east half of the southwest quarter of section nine were selected for county purposes. This action in effect shifted the tract a quarter of a mile eastward, thus releasing the west half of the southwest quarter of section nine, on which Presley Saunders lived. He was allowed the use of his land included in the new preëmption and given the "privilege of moving off his Rails when the present crop is raised." This action was confirmed on June 26th by county commissioners Samuel Brazelton, G. W. Patterson, and Henry Payne.

At last the time had come to buy the land from

the government. During the week following the decision of the commissioners, a new agreement with Presley Saunders must have been made, for on July 2, 1839, the commissioners entered a preëmption claim to the southeast quarter of section 9, and the customary sum of \$1.25 per acre was paid in cash. On the next day, the county commissioners directed J. B. Teas, the county agent, to pay the "Board of County Commissioners out of the money received for Lots &c the Sum of two hundred dollars. Which Sum has been advanced by them for the purchase from the United States of the quarter section of land on which the County Seat is located." In March, 1840, Saunders preëmpted all of the southwest quarter of section 9, and so the county and private claims were finally settled.

Purchase of the land from the government, however, did not solve the problem of adjusting private titles to lots included in the preëmpted tract which had previously been sold by the town



COMMISSIONERS' FINAL SELECTION
OF COUNTY QUARTER SECTION

proprietors. Moreover, some lots located in the portion relinquished had been sold by the county during the year of presumed possession. To bring a semblance of order out of such chaos, a special act was passed by the Territorial legislature creating the office of county agent in Henry County.

J. B. Teas, elected in May, 1839, proceeded at once with the selling of lots and negotiating with the previous buyers. The commissioners ordered "that a public Notice Be given in the Iowa Territorial Gazette that all Claimants on the Location for the use of Henry County" should "come forward & Prove their titles to the Lots originally Sold on Said Locations & make arrangements to pay for the same on the first Monday of next July, and that unless the same is attended in due form the same will Revert to the County as unsold Lots."

Meanwhile, plans for the erection of a courthouse in the public square were at last materializing. The county seat was permanently established at Mount Pleasant.

BEN HUR WILSON